

**From:** Congdon, Julie@epamail.epa.gov [mailto:Congdon.Julie@epamail.epa.gov]  
**Sent:** Wednesday, December 02, 2009 12:47 PM  
**To:** Ashton, William S (DEC)  
**Cc:** Le, Michael@epamail.epa.gov; DeMaria, Eva@epamail.epa.gov; Karlson, Kristine@epamail.epa.gov  
**Subject:** Fw: Questions on MSGP

Hello, William -

Michael forwarded me your email. Did you receive an inquiry on this topic from someone named Barbara at Alaska Railroad? I got a message from her, but we didn't get into these specifics when we talked.

It is a point source discharge and would need an individual permit. Aurora Energy has such an individual permit which requires the facility to develop a BMP plan that "shall describe measures that prevent or minimize coal and/or coal dust from falling from the conveyor and entering the water".

The MSGP states that such conveyance appurtenances are included as part of the overall facility, and therefore pollution prevention measure, e.g., covering the conveyor belt so that coal is not dropped directly into the water, are required by the permit.

Otherwise, negligent coal spills like these could be considered unauthorized discharges; either way, we (EPA or ADEC) can enforce on this, either as a permit violation (under the MSGP or if they obtain an individual permit) or as discharge without a permit.

I hope that helps. If you have questions, please feel free to call or email me.

Cheers - Julie

----- Forwarded by Michael Le/R10/USEPA/US on 12/02/2009 09:52 AM -----

"Ashton, William S (DEC)" <william.ashton@alaska.gov>

12/02/2009 09:42 AM

To: Michael Le/R10/USEPA/US@EPA

Subject: Questions on MSGP

Hi,

I have a question about the MSGP. The MSGP-2008 definition of "stormwater discharges associated with industrial activity" (page A-6) says "For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from .... material handling sites ...." It goes on to say, "(f)or the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product, or waste product." The facility in question is the Seward Coal Loading Facility, it filed for an NOI under EPA as a Sector AD facility. It has a conveyor that carries coal from an upland storage yard across tidelands and shallow water of Resurrection Bay to a loading arm that loads ships. Residual coal falls off the conveyor as it returns to shore.

My question is: can the loading activity still be covered under the MSGP even though the coal falling off the conveyor is not carried to Resurrection Bay by "stormwater?"

Thanks  
William

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